

EXHIBIT NO. 1  
DATE 1-23-13  
BILL NO. SB148**Max A. Hansen & Associates, P.C.**

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January 23, 2013

Jon Sonju  
Business, Labor and Economic Affairs Committee  
Montana Senate  
Helena, MT

RE: SB 148

Dear Chair Sonju, Vice Chair Jackson and Members of this Committee,

As I grew up I was taught that everyone was entitled to a fair shake. For that reason I was very concerned when I learned of the introduction of SB 148. It appears this bill was introduced in the context of the "Legal Reform" being promoted by the Montana Chamber of Commerce since last Fall. I had grave concerns then about the Chamber's editorials and other comments about Montana's wrongful discharge laws and the purported role they play in creating an adverse environment for Montana businesses. I have concerns for the same reasons about SB 148. "Legal Reform" means different things to different people but is universally unfair to lay the blame for a bad business environment on people who are wrongfully terminated from their job and decide to stand up for their rights.

Let me preface my remarks with the following facts: I am a lifelong Montana resident; I am a long-time member of the Montana Chamber of Commerce; I derive from a long line of staunch Republicans; I am an attorney representing numerous large businesses throughout the Rocky Mountain region; I am the owner of multiple businesses; I have employed countless employees during my business career of 36+ years; I have terminated numerous employees during my career or they left my employ for their own reasons. I have never been sued for wrongful termination. I believe I am like the majority of Montana employers in that regard who I believe are generally kind and compassionate people.

I have seen another side of the issue too. I have had to stand on the sidelines when a close family member was the subject of a wrongful termination. In witnessing that event and the repercussions that can last years after the event it is clear that the wrongful actions of an employer have a terrible impact on not only the employee, but their family and close friends. The effects of wrongful termination are devastating to the employee's financial condition, their sense of dignity and their position in the community.

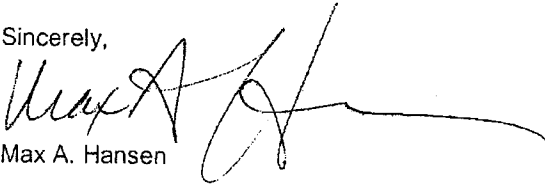
In spite of all the good business people in this state there are also bad employers. Those bad employers do not deserve to be caste under the same protective umbrella as the thousands of entrepreneurs and businesses who provide safe and dignified workplaces. Those bad employers should be made to answer for the grievous acts they commit.

Unfortunately due to the structure of the current wrongful termination law, the wrongfully terminated employee will never obtain full compensation for their loss no matter the merits of their case or the skills of their attorney. There is no compensation in Montana for emotional distress. The "caps" in the current

statute limit the employee to no more than 4 years of lost wages and benefits. The income received by the employee or which is imputed to the employee is used to offset the amount of recovery. Many people cannot afford an attorney due to the small size of any potential recovery. In fact when Montana's current wrongful termination law was enacted, it was touted around the country as being one of the best laws on the books for business and a model for other states.

Thank goodness that when my family member was wrongfully terminated from her job there was a still a way she could try to regain some of her monetary losses and her sense of dignity. I felt completely helpless to assist her because of the complexities of the law and my inability to be objective about the case but I was able to find someone who could help. Still there is no way she will be fully compensated for her loss under the current statute. SB 148 drives the nail in the coffin for employees who are not treated fairly. If this bill is passed there is no way a wrongfully terminated employee can get any reasonable relief. I urge you to kill this bill in Committee because it doesn't give anyone a fair shake. It does not comport with what we Montanans believe in and it will make it even more difficult to attract skilled and competent workers to our state.

Sincerely,

A handwritten signature in black ink, appearing to read 'Max A. Hansen', followed by a long horizontal flourish.

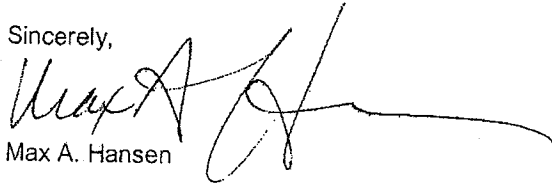
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